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OFFICE OF PETITIONS

In re Application of

Eitan Farchi et al.

Application No. 09/990,802

Filed: November 13, 2001

Attorney Docket No: **SVL920010003US1**

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed June 20, 2007, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on April 19, 2007, for failure to file a timely response to the decision by the Board of Patent Appeals and Interference, rendered February 16, 2007. Accordingly, a Notice of Abandonment was mailed April 23, 2007. Petitioner asserts that the decision was never received.

The file record discloses that the decision was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the decision rendered February 16, 2007 would have been filed, had it been received. To further show that the decision rendered February 16, 2007 was not received, petitioner explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the decision mailed February 16, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the decision.

In view of the facts set forth in the petition, it is concluded that the decision was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2193 for appropriate action on the Request for Reconsideration of the February 16, 2007 Board Decision, filed June 20, 2007 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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